

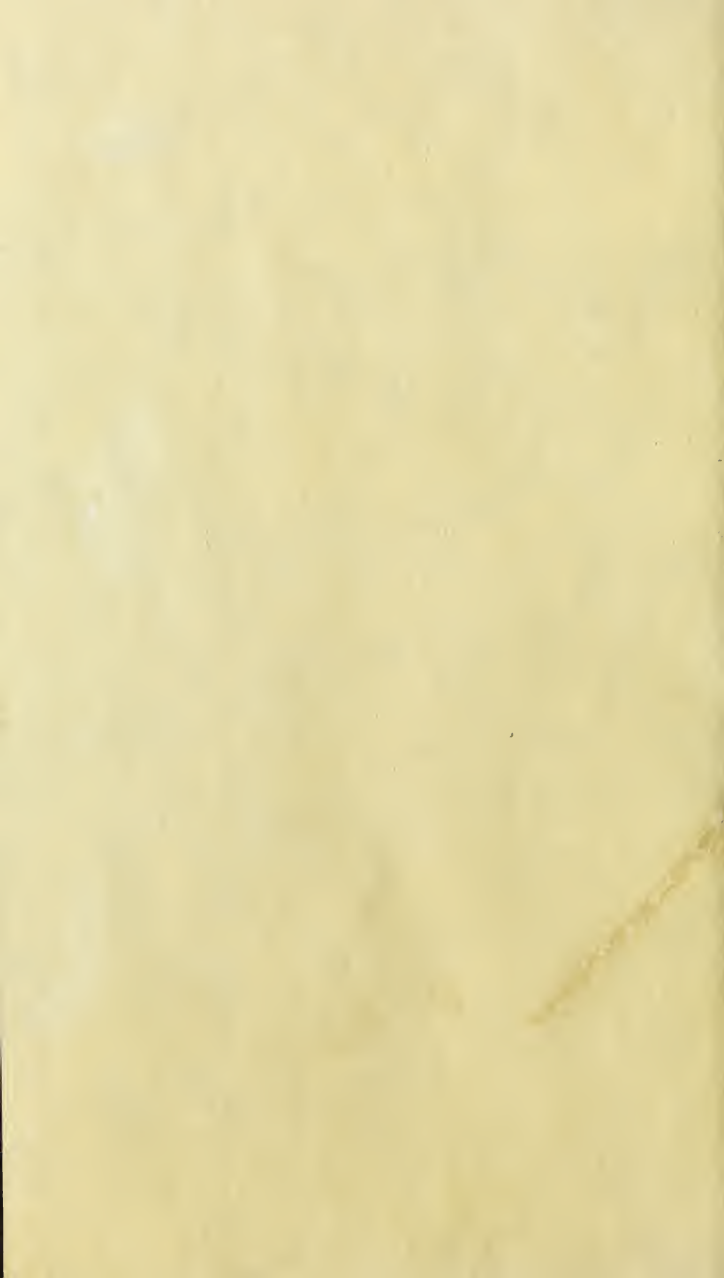


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Mr. J. J. ...  
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# TRIAL

OF

*Robert Sawle Donnall,*

On Suspicion of Poisoning MRS. DOWNING,

HIS MOTHER IN LAW,

*Tried at Launceston, March 31, 1817,*

AT

The Lent Assize, for the County of Cornwall,

BEFORE THE

HON. SIR CHARLES ABBOTT, KNT.

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# *Trial of R. S. Donnall.*

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About half past 8 on Monday Morning, March 31, 1817, this important investigation commenced ; the court and neighbourhood was crowded to an excess never before known, and about 9 o'clock the prisoner was put to the bar.

The Prosecution was conducted by

SERJ. LENS, MR. GAZELY AND MR. CASBERD.

And the Defence by

SERJ. PELL, AND MR. GIFFORD.

Mr. Casberd stated the charge to the Jury, and Serj. Lens, opened the case in an eloquent and humane speech, of which the following may be considered the substance.

GENTLEMEN OF THE JURY,

*You have heard the Indictment stated, charging this unfortunate young man, with the commission of one of the greatest crimes known to the laws of God and of Society ; and this crime is greatly magnified by the means resorted to for its perpetration ; from the situation of the prisoner as a Medical Man, these means can only be detected by a circumstantial detail, the probability of which you will have to judge of ; as to the person who administered this poison, if poison was so administered, you can only have to draw your conclusion from minute events, for from the profession of the prisoner, he must necessarily be in possession of these drugs, for medical purposes, this therefore destroying one portion of evidence generally adduced on these occasions.*

*In investigations of this nature it is an essential point to shew that there was some cause which could influence in a degree, however slight, the mind of a man to perpetrate a crime of so black a cast, for these crimes are generally committed, in the height of passion, or under the operation of*



some motive, either for the possession of property to gratify their avarice, or to relieve themselves from the pressing demands of creditors; and although these motives sink into nothingness, upon the reflection of the almost positive certainty of detection following the commission of so foul and so unnatural a crime; yet it certainly attaches a degree of improbability to a charge, when no motive, however slight, can be assigned for the commission of the offence.

I shall call a gentleman of Falmouth, who will prove, that the prisoner was in his debt, that at different times he had borrowed certain sums of money, upon pretence of repaying on his marriage with the daughter of the deceased, that after that marriage and just before the death of Mrs. Downing, he had repeatedly requested and even insisted upon payment, but was allured with continual promises, and in a conversation which he had with him on the subject, the prisoner said, 'he should soon have it, as Mrs. Downing would not live long'; this expression may appear to convey a pre-determination, but gentlemen, I think it but justice to state, that under the circumstances it was spoken, we ought not to lay any stress upon these words, further than an observation made to silence for a time the demands of a creditor.

I shall further shew from another witness, that the prisoner was not in ignorance as to the amount of property possessed by the deceased.

The death we are now enquiring into, was of a person of sound constitution, about the age of 64,—living next door to the prisoner, who had married her daughter only a few months before; this female had a very handsome fortune, which on her marriage was made over to herself, to this the prisoner appeared quite willing at first, but some time after expressed his regret that he had not more at his own disposal. It is a fact which deserves your particular attention, that Mrs. Downing had drank tea at the prisoner's a fortnight before, that she then on her return home was taken ill, with very violent vomiting, a similar illness of which she died.

On the 3rd of November she again went to the prisoner's to tea, then in perfect health, the prisoner was then officious in handing the bread and butter, but not so officious as to excite suspicion. Whether the poison was administered in the bread and butter, or in the cocoa, is not known, but before this unfortunate woman had drank her second cup of cocoa, she was taken sick, and returned immediately to her own



house was put to bed, and continued vomiting and straining until 8 o'clock the next morning, and then died.

His conduct after the death, requires your most serious attention—his stating the necessity of burying the body on the Wednesday. I shall prove to you that no such necessity did exist,—that the symptoms described by him of putrefaction did not exist. It will appear also that the prisoner represented himself as going to Elford or Manachorum to attend some patients there, and on his road would call at Morley, the place where the husband of the deceased lies, and where the grave was preparing. He was there found in the course of that day, expressing considerable anxiety, and endeavouring to get the grave prepared a day before the appointed time. I shall also prove by a Ferryman, over whose ferry he must have passed, on his way to these places he stated himself as going, that on that day he had not seen him.

On the 6th the Mayor of Falmouth received an anonymous letter, which was shewn to the prisoner, who read it trembling, and the letter dropt from his hand. It will appear that the prisoner was by no means willing to ascertain whether the insinuations contained in the letter were true or not. On the 8th Dr. Edwards, and a Mr. Street attended to open the body, the prisoner was present, and was preparing himself to commence the operation, when Dr. Edwards told him, that he ought not to do it and proposed Mr. Street, who declined and Dr. Edwards undertook the operation; however I do not mean to lay any further stress upon this than as a matter of indecency. Dr. Edwards took out the contents of the stomach and poured it into a basin, giving a caution that no one should touch it, but while engaged in some other part of the room, the prisoner poured the contents of the basin into a chamber vessel containing a quantity of water; this did not preclude the possibility of analization, although it added considerably to the labour of the process. Dr. Edwards and Mr. Street, examined the contents of the stomach, and from the chemical tests applied, Dr. Edwards will inform you that there remains no doubt in his mind as to what caused the death.

This gentlemen is a general outline of the facts of this important case, I shall not make any further comments, but proceed to call the evidence I have alluded to, and it will be for you to say upon that evidence, if the deceased died of poison, and if the prisoner was the person who administered such poison.

*Gabriel Abrahams*, resides at Falmouth, and knows the prisoner. In February 1816, the prisoner applied to him for the loan of 50*l.* stating that he was about to get married and should soon be able to repay it. After some hesitation, the money was lent, and on the 23d of May he made application for 50*l.* more, which was also obtained. The prisoner got married about three months after. The witness applied for his money, and was told he should have it soon. He made several applications just before the death of Mrs. Downing, and stated that he must have his money, as he wanted it; the prisoner in one of the conversations that passed between them, said, he could get the money by laying himself open to the Downing family, but that would be an injury to him. On another application, he said, the money would soon be paid, as Mrs. Downing would not live long, that before Christmas it was sure to be paid. Donnall owed him 125*l.* in all. Witness saw him the day previous to his being apprehended; asked him respecting the examination of the body, and how he came to throw the contents of the stomach into the water; the prisoner said he did not think it of any consequence.

*Cross examined by Mr. Serjeant Pell.*

The witness was not positive as to the identical words used, but the meanings were as recited. He had known the prisoner intimately. He has practised as a Surgeon, &c. at Falmouth about two years.

*Samuel Downing*, son of the deceased. The prisoner came to reside at Falmouth in the Spring of 1814, and lodged with Mrs. Howell. In the Autumn of 1815, he heard of Donall's paying addresses to his sister; he then left lodgings, kept a house and two servants. Witness's sister was entitled to 3000*l.* at her own immediate disposal. Previous to his marriage he intimated a wish the property should be conveyed to the use of his intended wife, and when the Solicitor came to make arrangements for the marriage, a sketch was read over to him, and he agreed to it. Soon afterwards he brought a sketch, and proposed some alteration, and wished to have some of the property made to him, in case of his wife's demise. The settlement was made, and in July they were married. Prisoner owed the witness 40*l.* as a mercer. His mother was worth about 14000*l.* cash. She had six children, John, William, Edward, and Samuel Downing, Betsey Jordau, and Harriet Donnall. 19th october his mother breakfasted and dined with him, was very well, and ate her meals with a good appetite; on the same evening she drank tea at the

prisoner's, returned very ill, urged and strained much, and complained of a violent cramp; she continued ill for three or four days. On the 3d of Nov. went to tea at the prisoner's again. He recollects the invitation given on the Sunday previous, when his mother expressed her disinclination to go, and said she was taken ill the last time. Witness went to church with his mother on 3d of Nov. and knew her to be in good health. On that day he called at the prisoner's about three o'clock, Donall was at home; on his return a second time to the house, he found preparation made for tea: the table was in the middle of the room, near the window; Mrs. Donall sat at the table, Mrs. Jordan sat next to her, and his mother sat next the fire place on one side; the prisoner sat opposite to her, with Samuel Downing, Edward having by his mother desire removed, and sat between his mother and Mrs. Jordan; the tea was prepared, and they were waiting for the cocoa, which was soon brought in by the servant. The prisoner rose from his seat for the purpose of handing bread and butter to the ladies, and the witness's attention was soon drawn by the prisoner's passing between Mrs. Jordan and his brother from behind, and spilt some of the tea on his mother's gown, when his brother said, "Donnall what are you about?" the prisoner made no reply, but gave his mother some bread and butter.—Prisoner went direct to the table, and returned to his seat; just as he was seated, he was called, and went out. Witness had often drank tea with him; sometimes the servant attended during tea, and at others, Donall officiated himself. His mother was drinking part of the second cup of cocoa, when she complained of being very sick, gave the residue to the witness, and he placed the cup on the table. She drew off, and requested him to make haste and go in and open the door, that she might go home; he did so, and followed immediately after. He thinks the prisoner came in soon after, with Mrs. Jordan; they went into the parlour, and the deceased requested Mrs. Jordan to procure a basin, which was done; she attempted to vomit, and said she "hoped she should not be so sick as she was the last time she was at Mr. Donall's." She was prevailed on to go up stairs to lay on the bed, but soon came down again, and complained of being very hot. Witness then went to church, and returned about a quarter before nine; found Mr. and Mrs. Donall, and Mrs. Jordan at home. Prisoner told him, she was still sick, but said nothing further, about having administered any medicine. Witness went to bed about two in the morning, and recommended the prisoner



to give an emetic ; he replied that gentler means must be used, and that he had given her something to compose the stomach. Before he went to bed, he asked the prisoner if he was going to leave the house, his answer was, " he would wait half an hour to see the effect of the last pill." Witness was woken by his sister about 4 o'clock, and informed that his mother was worse ; that Dr. Edwards was in the house. He met the prisoner on the stairs, and asked the reason of calling in Dr. E. prisoner said, that from the state of the pulse he thought it necessary. He went into his mother's room, and found her rather drowsy ; he afterwards met the prisoner below, and told him of her state, and his reply was, " it is much worse for her to be sleepy." About 6 o'clock, the prisoner advised the witness to call in his brothers, as his mother could not live long. He did so, and about 8 o'clock his mother died.— Prisoner then left the house, and returned about 10 or 11, he then observed that it was necessary to provide a shell, as he was apprehensive the body would swell. The prisoner repeated this again, adding, that there was already a discharge from the nostrils. On the following morning the prisoner came into his mother's house, and said he was going to Elford or Monachorum, to visit some patients, and asked if he should call to see how the workmen went on with the work, [meaning the cave at Morley.] He was informed that there was no necessity, as particular directions had been given. Prisoner said he should have to ride within a mile of the church-yard. Morley is about 4 miles, and Elford or Monachorum is 30 miles from Falmouth, unless you cross Elford Passage, as these places are on the other side of the water. Prisoner returned about 4 o'clock ; said he had been to the church-yard and gave some orders. Wednesday morning he came again, and he understood from him that he had been to Monachorum the preceding day. On the Thursday he saw the prisoner again at his mother's house ; the previous evening the witness had received the following copy of an anonymous letter sent to the Mayor of Falmouth :

" Sir, I shall, without any apology, demand your attention to a circumstance which has excited so much interest in this place. Mrs. Downing died yesterday. On Sunday she drank tea with her son in law in perfect health.— She drank tea there some time before, and was attacked by the same complaints, very similar in both effects to a person dying by poison."

Witness gave the copy to the prisoner, and spoke of Mr.

Bull having received it He observed him to tremble, his hands shook, and before he had finished reading, it fell from his hands. Prisoner said "it was a villainous thing, it would ruin him in the town, and that his practice would be broken up in consequence."

When the body was opened, the witness was below stairs; prisoner came down and stated the stomach to be a little inflamed, but the heart and liver was sound, which satisfied me that all was right upstairs. His mother was buried on the Saturday following. Upon their return, they sat together, while the Inquest was sitting, and were questioning about who gave the first cup; the prisoner said he was not present at the commencement of the tea, "Edward, you know I was not present; you had better say that you gave the first cup." Edward denied it entirely, and left the room, and the prisoner again repeated his not being present. E. had before acknowledged that he gave the second but not the first cup.—The Sunday he called again, and told of the long examination he had gone through at the Town Hall, and intimated that he thought Mrs. Donnall and Mrs. Jordan would also be called.—Witness replied, "the verdict was returned last night"; at which the prisoner appeared very surprized, but only said "it is a mystery." He then left the house.

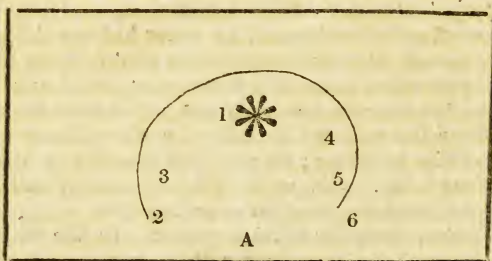
On cross examination he said, he never had any difference with the prisoner, but was always on the most intimate terms. His mother ate onion sause with her dinner, and drank beer. Understood the prisoner was called out of the room to draw a tooth. When Donnall read the letter, he (the witness) had no suspicion of him whatever; he even told him that he thought it a malicious thing. His sister, (Mrs. Donnall,) had been in the habit of drinking cocoa for some time past.

*Mrs. Jordan*, daughter of the deceased. In the middle of October she drank teain company with her mother, at the house of the prisoner; witness supped there; but shortly before supper, her mother complained of being unwell, and went to her own house. This complaint remained about a week, and she recovered and appeared quite well. This witness described the symptoms of her mother's sickness similar to the last witness. She recollects in the last attack, her applying hot cloths to her mother's stomach, by the recommendation of Donnall; during the course of the evening some tea was also administered by his desire. A considerable discharge was made from the stomach, and what came off, was thrown away at the request of the prisoner.

On cross-examination, she recollects the prisoner being called out of the room before her mother was served with the second cup of cocoa.

*Edward Downing* was present at tea on the 3d of Nov.—He did not give his mother the first cup, but gave her the second. On returning from the funeral, the prisoner denied being present at the commencement of the tea, and told the witness to say that he had given the first cup. Recollects the prisoner saying to him about 2 or 3 months before, that the deceased had from 5 to 600l. a year coming in.

Cross-examined.—He did not observe any thing particular in the prisoner's manner. The room was small. He saw *Donnall* take up the bread and butter, and bring it directly before his mother. His mother and *Mrs. Donnall* only drank cocoa. It was about the time of his mother's finishing the first cup, that *Donnall* was called out. Whenever they drank tea at *Donnall's*, he was generally in the habit of handing about the bread and butter. When at the Town Hall, witness did not say that he gave the first cup. When before the Mayor, he was asked that question, but does not recollect his answer. The prisoner went round the table with the bread and butter, and came to his mother from behind. [Plan of the room produced.]



\* The Tea Table. A. The Fire Place.

1. *Mrs. Donall*, at the Table.

2. The Prisoner.

3. *Mr. Samuel Downing*.

4. *Mrs. Jordan*.

5. *Mr. Edward Downing*.

6. The Deceased.

*Dr. Edwards*, of Falmouth, was called in by the prisoner on the Monday morning. He was introduced to the deceased's room by *Donnall*, who told him she had an attack of *Cholera morbus*, and that she had had a similar attack a fortnight before. He found her drowsy, and in such a state as to make it



necessary to be roused before she could answer any questions. He felt her pulse and found them faint and fluttering. He went down into the parlour and wrote a prescription. He thought her in very great danger. Prisoner said he had given an emetic in a state of effervescence, and some opium in a saline draught; the draught was a small one. Witness told the prisoner that his prescription was intended to remove something which he considered offensive in the stomach or bowels. In his opinion, *Cholera morbus* would not produce death in less than 2 or three days. From what he saw, and from what he since knew, he could say that Mrs. Downing did not die of *Cholera morbus*. He went to examine the body on the Thursday; soon after him came Mr. Street, Surgeon; the prisoner was there before. The body was placed on the table, and witness perceiving Mr. Donnall turning up his cuffs to assist in the operation, told him he must have nothing to do with it; prisoner desisted, and witness did it himself.

On opening the body, they took out the Stomach, and poured the contents into a basin, and examined it, to see if it contained any thing heavy, or if there was any sediment, they did not find any. The Stomach was inflamed; they examined the inside coat of the stomach and found it soft, as if operated on by a corrosive substance. The blood vessels of the stomach were rather more turgid than natural. Witness had placed the basin with the contents of the stomach on a chair, and requested that it might be taken care of. They examined the intestines and found them inflamed in many places, the inflammation was of that nature that the patient must be aware of it; it could not have been produced by any natural cause, and the only thing likely to produce that effect was an active poison, for nothing less would produce it. His back had been turned from the basin, and on turning towards it he found it empty; he expressed surprize to Donnall, and asked him where he had put the contents of the basin; he said he had thrown it into the chamber vessel, witness answered that it would give him much more trouble, being encreased from a half pint, to two quarts; he then pushed the vessel further under the bed, and desired it should not be touched. Two days after he examined the contents and detected arsenic, not in substance but in fluid, from these different appearances, he can speak without any doubt whatever, that her death was by the effects of arsenic.

Cross-examined by Serj. Pell,—the disorder of *Cholera morbus* is produced by bile getting into the stomach, and cramp is no uncommon symptom of a violent bilious attack. A



dose of 10 drops of laudanum is not an improper dose for a person labouring under *Cholera morbus*.

#### DR. EDWARDS' TESTS.

The first experiment which Dr. Edwards had recourse to, was that by the *argentum nitratum*, or lunar caustic. He says, that he took a cylindrical piece of the lunar caustic, and dipped it into the suspected fluid, the immediate result was a yellow precipitation; and this has been considered a decided test for arsenic.

The second test was by adding to a solution of the sulphate of copper, or blue stone, the suspected fluid. He did so, the result was a green precipitate; and this he considered a test for the presence of arsenic.

He did not try to reproduce arsenic in gross. These experiments were he thought infallible, as to the stomach containing arsenic. He did state before the Coroner's jury, that the appearance of the stomach was natural, and requested only more time to make further investigation. His reasons for resorting to the tests he did, was, because he thought them best adapted to detect a small portion; the violent purging would carry off part. Did not Mr. Donnall request to have some further tests tried? Some one came to me for a part of the contents of the stomach, but there was none left.

*Mr. J. Street*, Surgeon of Falmouth. He attended opening of the body, and assisted in the examination. Describes the inflamed state and appearance much the same as Dr. Edwards. He attributed the death to some corrosive matter taken into the stomach. Remembers the circumstance of the contents of the stomach being taken out and put into a jug; he heard Dr. Edwards say, that no one should touch that jug, and soon afterwards he saw the contents in the chamber vessel.— He went to the Town-Hall, and the jury returned with him in about 10 minutes, and he took the contents of the chamber vessel and poured it into two bottles, which he gave to a female servant, to be carried to Dr. Edwards. He was present when some of the tests were made, but can say little about it himself. Said on cross-examination, that he found the chamber vessel in the same place where he had left it.

*Dr. Edwards* recalled—Could arsenic be administered in a solution? Yes, if dissolved in warm water; a table spoon full would produce death. Did the body swell, or was there any symptoms of putrefaction? No, nor any necessity for an immediate interment.

*Susan o'Brian*, servant to Mrs. Downing. She carried the bottles to Dr. Edwards's, and gave them to Ann Blight. Mrs. Downing was taken unwell on Thursday in the week before.

She had dined with her son, and when she came home, complained of a pain in her stomach; she took a cup of coffee, and it passed off.

*Ann Blight*, servant to Dr. Edwards, received the bottles, and gave them to her master.

*Mr. Sam. Street*, Surgeon, was present at the examination of the contents of the bottles, and in his judgment, arsenic was detected.

*John Downing*, eldest son of the deceased, saw his mother on Sunday morning, Nov. 3; she was in good health and spirits. She died about 8 o'clock next morning; a short time after, his brother Samuel said, that Donnall had been speaking to him about a shell to put the body in, as there was already a discharge at the nose. Witness saw no discharge, but ordered a shell. Next morning the prisoner came in again, and said he was going to Elford or Manachorum, and would call and see how the workmen went on; witness said, there was no occasion; but prisoner, on going away, said he would call. He returned about 5 o'clock in the evening, said he had been there and found the men idle, and put them to work. He saw him again next day, when he and his brother were in conversation about an anonymous letter received by the Mayor. Witness said he had had a conversation with the Mayor the night before, and that it was thought necessary to have the body opened. Donnall objected to its being opened that day, because he was so much engaged, that he could not attend to it. Witness remembers when the jury came to view the body, that he heard the pouring of water from one vessel to another; he heard a hasty step returning towards Samuel's room, he looked up and saw the prisoner; sometime after this he heard a step coming towards him, and perceived Mr. Donnall, with a case of instruments in his hand.

Cross-examined by Serj. Pell.—Prisoner went into his brother Samuel's room, witness did not go to the room to see what occasioned the noise. Dr. E. and Mr. Street were then at the Town Hall.

*James Veale*, a ferryman, from Falmouth to Manachorum. To the best of his recollection, prisoner did not go over on the day alluded to.

*Peter Berry*, he attends at the Falmouth Bank; on the 7th of November the prisoner came to discount a Bill, drawn on a house in London, which they did, the next day the servant brought back £25, out of 50 and changed for Bank of England notes.

*Arthur Williams*, constable of Falmouth, he went to apprehend the prisoner, and going to and fro to his house many times, at length on the night of the 14th of November, about 12 o'clock, he apprehended him, at his house.

*Mrs. Downing*, the wife of J. Downing, on Thursday the 24th of October the deceased drank tea with her, and went away just before 7, she made no complaint to her. On the 14th of November, she was at Donnald's, Mrs. D. was unwell, in about an hour and half, the prisoner entered, he appeared greatly agitated, and said 'they were come to take him.' Mrs. Donnall asked him why he was so dirty, he began to cry, and said he had made several attempts to escape, but that now he would give himself up.

[Here the evidence for the Prosecution closed.]

### *Evidence for the Prisoner.*

*Mary Coombe*, servant to the prisoner. Her mistress was in the habit of taking cocoa mornings and afternoons; it was usually kept in the kitchen. Witness made the cocoa on the 3d of Nov. and carried it into the room; she took the remains away after Mrs. Downing was gone; there was some left in the pot, and some in the tea cup with a piece of bread and butter; that in the pot she carried into the kitchen; she drank what was in the cup, and that in the pot was warmed again next morning, and her mistress drank part of it herself, and the washerwoman drank the rest. The time before this, Mrs. Downing took coffee, and she and he boy drank what was left.

*W. H. Thomas*, was the boy who on the former occasion took part of the coffee. He recollects on the 3d of Nov. while his master was at tea, some one came in to have a tooth drawn, he let her in, called his master, who went with the person into the Surgery, and staid there about a quarter of an hour.

*Sarah Weeks* went to Mr. Donnall's on the 3d of Nov.; to have a tooth drawn, the operation was performed, and she was there about a quarter of an hour.

*Dr. Neale*, of the Close, Exeter. He has often attended cases of *Cholera morbus*,—it generally arises from putrid bile in the intestines,—it is a disorder the most acute and most dangerous of any known in England—frequently kills the patient in 24 hours, and if neglected, or improperly treated, does it in less time. The sign of the complaint in a person of 60 years, would be constant reaching, vomiting,



and cramp in the limbs. He should prescribe plentifully of warm liquids, and a large dose of opium if the pulse of the patient was fluttering. Witness had heard Dr. Edwards give his evidence, and thinks that the described state of the stomach was likely to have been produced by the disease of *Cholera morbus*. He has made many chemical experiments; that spoken of by Dr. Edwards is by no means an infallible test,—neither of them are so—and a green precipitate may be produced by other means. Witness does not think that any test would be infallible, unless the liquid were evaporated, and the mineral reproduced.

Dr. Neale objects to the Tests of Dr. Edwards; because the same yellow appearance, or precipitate, will be produced if no arsenic is present, provided any phosphoric acid be in the stomach. This he proves was the case; for on the day deceased was taken ill, she dined off smothered rabbits; and it is certain that a large portion of phosphoric acid existed in onions.

That a decoction of onions if sulphate of copper be added, the same green precipitate will be thrown down, as if arsenic was present.

Cross-examined by Serj. Lens.—Witness had never opened a body that died of *Cholera morbus*; but from science, he believes the effects were produced by that disorder. He has seen many bodies opened when the stomach was inflamed, and when there was no reason to suppose that poison had been administered. There are many other means of producing green precipitate besides arsenic. Sulphate of copper if impure and containing Iron would produce these effects.

Dr. Daniel had met with persons affected with *Cholera morbus*. The usual symptoms are, severe vomiting and purging; pain of the stomach, thirst, cramps of the legs. It is occasioned by corrupt bile and other secretions. If the patient be dangerous, he should administer opium largely. Witness has heard the symptoms described by Dr. Edwards, and thinks them referable to *Cholera morbus*, but not exclusively so, as the presence of arsenic in the stomach would certainly induce similar ones. Witness has never seen it prove fatal. *Cholera Morbus* may attack without indisposition of more than an hour or two. Witness knew the prisoner when a pupil of the Devon and Exeter Hospital, at that time he shewed more than a common share of attention and humanity towards the patients of the institution. Such was the character he then bore.

Mr. John Tucker, is a Surgeon of Exeter, and a Member of the Royal College of Surgeons. Suspects Mrs. Downing to have died of inflammation of the stomach. Besides poisons, *Hernia* and *Cholera morbus* will produce the same appearan-

ces as described by Dr. Edwards. Witness had heard of the administration of medicine to Mrs. Downing, by the prisoner, and considered the treatment as partly right, and partly wrong; right with respect to the opium, and wrong as to the emetic, which could only cause an increase of irritation.

Dr. E.'s prescription was shewn to Mr. Tucker, and his opinion asked on it. It being of a purgative, and consequently, debilitating nature, he said "it was adding weight to a porter's back." [Here the Judge interfered by remarking that such metaphorical expressions might lessen the reputation of Dr. Edwards.—Witness replied, "My Lord, I do not forget being a much younger man in the profession, or his high and merited reputation; but my opinions affect the prisoner, as much as they do Dr. Edwards."]

Witness should have given opium in large portions. He had opened the bodies of men dying by accidents, and it may lead any person unaccustomed to it, to form an erroneous opinion respecting the vascular appearance of the stomach. He found that inflammation on the stomach so as to produce death, would thicken it rather than otherwise; his opinion of Dr. Edwards' tests, was, that they were not infallible, as many other substances would produce the same result as arsenic. Phosphoric acid abounds in the human frame, and may produce the same effects in the stomach. Witness has known the prisoner for many years, and his character was always what it ought to be, kind, humane and tender.

*Mr. Tucker*, has again and again tried the first and second experiments, with regard to the first, he says, that some years ago, Dr. Marcet, a Physician, in London, recommended it to the public, and then considered it a most delicate test for arsenic, since, however, the same physician had publicly acknowledged his error, it having been pointed out to him by one of his pupils, who observed, that if any phosphoric acid exists in the stomach the same yellow precipitate will be thrown down. Now it is well known that most of the animal fluids abound with phosphoric acid, suspects this might have deceived Dr. Edwards. With regard to the second test, it was his decided opinion to be fallible, and from this circumstance, that as Mrs. Downing eat the day she was taken ill some boiled onions and rabbit, it induced him to make an experiment, he did so by infusing with the onions some animal matter, this was filtered off, and to it was added, a solution of sulphate of copper, the immediate consequence was a green precipitate exactly resembling that thrown down by arsenic. He further observes that he considers all tests fallible excepting that of evaporating the suspected fluid to dryness, and sublimating the residuum in a closed piece of glass tube, if in this arsenic be present, it will be seen in its metallic state.

*Dr. Cookworthy*, of Plymouth. Had heard the examina-

tion of Dr. Edwards. He is satisfied that Dr. E.'s tests are not conclusive as to the presence of arsenic, as the same results would follow from other compounds, and in this opinion he is borne out by all the philosophical men in England. The only positive test that would bear a man out in swearing to its presence, is the re-appearance of the mineral. As to the appearance of the stomach, -as described by Dr. E.; he thinks it sufficient to justify a man for acting upon them, but they are by no means sufficient to prove exclusively the presence of arsenic. Having heard that the deceased died after eating onions, he thought it likely that the contents of the stomach might produce the same chemical effects of precipitation, as if arsenic were present. He had tried phosphoric acid with a decoction of onions, and a similar precipitate was produced.

*Mr. Sam. Luscombe*, Surgeon, of Exeter. He had opened many bodies. Had heard Dr. Edwards' statement, and believed that some very violent inflammation caused the death; he could account for the cause of inflammation by such a disorder as *Cholera morbus*, produced by overflowing of the bile, and on opening the body the stomach would have a very florid appearance. He had known the prisoner for 7 or 8 years; he was remarkable for kindness and humanity to all around him.

*Dr. Ward*, of Fowey. The prisoner served his apprenticeship with him. He was always charitable and humane, and was ready to risk his own life to save a fellow being.

*Mr. Carne*, merchant of Falmouth, had known him for years as a man of honour, and of kind disposition.

*Mr. Bennett* had known him for a length of time, as a kind-hearted and humane man.

*Mr. Brown*, attorney, and *Mr. Nicholls*, both of Fowey, bore testimony to the same, as did *Mr. Comer*, of the same place.

The following is the Prisoner's Defence, which was read before the examination of his Witnesses.

*My Lord, and Gentlemen of the Jury*—I entreat your earnest attention whilst I submit to your most serious consideration a few remarks relative to the heinous offence of which I stand accused: and dreadful as my situation is, labouring under a charge which involves at once my character and my life, and aggravated as my sufferings have been by the cruel reports which have been circulated respecting me, I yet feel a confident assurance that my case will receive from your justice and humanity every consideration and attention such an awful sub-



ject requires. I trust that I shall be enabled to prove that I am entirely innocent of the crime with which I am charged—a crime the most revolting to my nature, and which I hope will appear in evidence to be in direct contradiction to every action of my life. I feel unequal myself to enter more fully into my case; but I rely with entire confidence on the impartiality of the Court, being convinced that justice and mercy are ever the decisions of a British Judge and Jury, who as Christians, and brothers to mankind, will allow every evidence to be adduced to prove my innocence; and trusting I may receive from the hands of a jury whose hearts are ever shut against worldly prejudice, that verdict which may convince the world I do not merit the dreadful charge alledged against me.

The Judge addressed the Jury to nearly the following effect.

#### GENTLEMEN OF THE JURY,

This indictment charges the prisoner R. S. Donnall, with having administered on the 3d of November last, to Mrs. Downing, a certain deadly poison called arsenic, of which she died; if in the result of this investigation you should be of opinion that arsenic was not the poison administered, there is another count, charging the prisoner with having administered some other deadly poison unknown.

In this enquiry there will be two very important points for you to be satisfied on; the first is, did the deceased die of poison? the second, are you satisfied upon the evidence, that the prisoner was the person who administered such poison? In laying the evidence before you, I will endeavour to separate the parts which afford proof of one or other of these points, from that part of the evidence which afford strong proofs of both, namely, that strenuous wish for the shell, and his general demeanor during the opening of the body.

The first witness is called to prove, that the prisoner about that time was in great want of money, and introduced by way of assigning a cause for the perpetration of this crime. [Here the learned Judge reads the evidence of Abrahams.]—adding, that though the prisoner is recommended to you as a man of humane and charitable disposition, we cannot presume to say what would be the most likely cause, to influence his mind to the commission of so enormous a crime.

One strong proof for your first consideration, as to the cause of the death, is her going twice to the house of the prisoner to drink tea; at both these times she returned home ill, complain-



ing of sickness, pains in the stomach, and violent cramp in the limbs. This fact needs no comment from me, and I will read the evidence respecting it, and leave it for your consideration. The next proof rests upon the testimony of Dr. Edwards, a man of great experience and known abilities in his profession ; that evidence is certainly contradicted in very strong terms by one gentleman, and opposed by a host of professional men, in the prisoner's defence. [Here Dr. Edwards's evidence was recapitulated.] Whether Dr. Edwards was right or wrong in his treatment of the deceased, is not a matter for you to consider at present, only as it effects the reliance you place on his general opinion. His opinion is in the most pointed terms, that the deceased did not die of *Cholera morbus*, but that she died of poison. To this the evidence of the defence will not amount to a contradiction, it can only afford grounds for a presumption, that the deceased may have died of some other complaint, and that these symptoms may have been symptoms of another disorder ; still it is acknowledged on all sides that these are decided symptoms of poison, though not exclusively. You have this additional fact, on the side of Dr. Edwards, that he opened the body, and was an eye witness to the appearance he describes. Neither of these gentlemen have ever opened a body which died of *Cholera morbus*, and their opinions can be only drawn from science, and what is likely to be the appearance of the stomach infected with this disorder, and not from actual experience and knowledge.

The next evidence adduced on the prosecution, is a Mr. Street, who corroborates the testimony of Dr. Edwards, and describes the stomach in a state of sterile inflammation, the effect of poison. and in his opinion also, the deceased died of that poison.

You have heard the different tests which have been set forth by Dr. Edwards, to prove that the Stomach contained some portions of arsenic. : less any degree of misunderstanding should arise upon the terms used, I will endeavor to explain them in such a way as you may be enabled to form an opinion, what reliance they deserve.

Dr. Edwards takes a part of the contents of the stomach, and adds thereto, a little blue stone, or sulphate of copper, and a green precipitate was produced ; this he considered an infallible test of the presence of arsenic. Then on the part of the Prisoner, it is alledged by a number of highly respectable men, that the food taken into the stomach before, as proved by one of the witnesses, was such as

would produce exactly similar effects, namely, onions ; and this experiment these gentlemen have tried, and confidently say its effects in precipitation are similar to that when arsenic is in the Stomach. The other test is answered in a similar way : not proving that the effects alledged by Dr. Edwards are not the effects of arsenic, but only, that there are other causes which would produce the same effects.

There is another test which on all sides is allowed to be infallible, and stated in the defence to be the only infallible one, that of reproducing the mineral by a chemical process ; this was not tried and the reasons alledged is perfectly natural. Dr. Edwards informs you that after having tried these other tests, the contents of the stomach was so reduced, that there was not sufficient remaining to try the other.

This is the evidence, as it affects one part of the question. It is for you to judge betwixt the positive testimony of Dr. Edwards, supported by Mr. Street, on the one part, and the presumptive evidence of Dr. Daniel, Mr. Luscombe, and the other gentlemen, that she may have died of some other complaint.

With regard to the second consideration, as to the person who administered the poison, the first evidence that affects it, is that of Mr. Downing's, respecting the conduct of the prisoner at the tea table ; and this does appear to be a very strong proof,—for we find from the evidence of the servant, that the whole body of the cocoa did not contain poison ; consequently, if poison was administered, it must have been in the first cup, part of the second being drank by the servant, without any ill effects—then the question turns, as to who gave that first cup. You have heard the evidence of all the persons present, except the wife, who was at the tea table. They each declare that neither of them gave the first cup : but Mr. Sam. Downing informs you, that though he did not see the prisoner give the first cup ; yet his attention was drawn by the prisoner's coming from behind his mother's chair, and immediately after he saw his mother with a cup of cocoa, and bread and butter in her hand ; the prisoner did not carry the bread and butter across the room to her, which would have been the most direct way, but carried it from the table, round behind all the persons present ; this, if he carried the cocoa in his hand, would have afforded him an opportunity of putting the poison into it.

Mr. S. Downing, then states to you, that the prisoner was the person who called in the physician, upon his mother, as he

thought, being worse. This may preponderate in his favour ; but if he had administered arsenic, he must have known that at the time he called in Dr. Edwards, it had taken effect, and all physical aid was useless, that it was then too late for Dr. Edwards, to defeat his object by any thing he could administer. Your attention is then called, to the conduct of the prisoner after the decease ; within a very few hours, he is found requesting a shell to be made, as the body would swell, and he perceived symptoms of putrefaction, which would make it necessary for immediate interment ; this you have positively contradicted by Dr. Edwards, who says, he not only never perceived symptoms of putrefaction, but that there was no occasion for an immediate interment ; this is certainly a strong ground for suspicion, and affords to a certain degree, proofs of both questions ; for if he knew the deceased died of poison, then he most dreaded detection from the body being exposed. The day after this, you find, he enters the house, says, he is going to a distant place on business, speaks of calling at the place where the grave was preparing, was told it would be unnecessary, yet he goes there, hastens the workmen in the labour, expresses regret that the cave could not be prepared before Thursday ; and you have it proved, that he never went to any of these places alluded to, and that is only errand was to facilitate the work going on at Morley.

On the Thursday he endeavours to get the opening of the body put off to some future day, as his business would prevent his attendance, but the opening was not put off, and he attended with Dr. Edwards and Mr. Street. When the contents of the stomach was taken out, you hear from both witnesses, that a caution was given, that it should be taken care of ; instead of complying with this injunction, which would have afforded him the only means of clearly proving his innocence, on Dr. Edwards turning round, he throws the contents into a chamber vessel, containing a quantity of water, which caused more trouble by a considerable degree to examine its properties, and thus throwing more doubt upon the transaction.

The learned Judge commented on Mr. Downing's evidence respecting the prisoner's reading the copy of the Mayor's letter. ' This I do not think deserving much attention, for we all know, that even on the idea of being charged with so great an offence, the most innocent man might tremble and be agitated.

Mrs. Jordan informs you, that on the night of his apprehension he was also much agitated, and said he had made se-



veral attempts to escape. In some cases, the attempt to escape is considered as a certain proof of guilt, and it does in many instances bear that construction. But in this, and in others, an innocent man may attempt to escape, rather than bear to be brought to justice to have his innocence proved.—How far this is the case, is for your consideration.

On the part of the prisoner, we have a number of respectable witnesses to his character—all stating him to be a charitable and humane man. I have had occasion to say to some of you before, that in doubtful cases, character ought to have its due weight,—but that when the case is circumstantially clear, it is false charity on the part of the jury, to suffer character to have any weight against facts substantiated by evidence.

You will take all the circumstances into your consideration, it for you to say.—If you think the deceased did not die of poison, you will acquit the prisoner. If on the contrary, you think that she met her death by poison, then you will consider if the evidence be not sufficiently strong to shew that the prisoner administered it.

The Jury considered about 20 minutes, and then returned a verdict of NOT GUILTY.

